

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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|----------------------------------|---|--------------------------------|
| GREGORY TURLEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL NO. 08-cv-377-MJR |
| |) | |
| DONALD A. HULICK, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

REAGAN, District Judge:

On August 14, 2008, the Court revoked Plaintiff's pauper status upon a finding that, prior to filing this action, he had accumulated three or more strikes; Plaintiff was directed to pay the full \$350 filing fee within 15 days (*see* Doc. 7). Rather than comply with that order, Plaintiff filed a notice of appeal (Doc. 8), accompanied by a motion to proceed *in forma pauperis* on appeal (Doc. 9) and a motion to consolidate this action with another for purposes of appeal (Doc. 10).

The Court previously found that Plaintiff has accumulated three or more strikes: *Turley v. Cowan*, Case No. 01-cv-188-MJR (S.D. Ill., filed March 26, 2001); *Turley v. Smith*, Case No. 02-cv-4592 (N.D. Ill., filed June 27, 2002); *Turley v. Catchings*, Case No. 03-cv-8492 (N.D. Ill., filed Dec. 3, 2003). *See generally* *George v. Smith*, 507 F.3d 605, 607-08 (7th Cir. 2007); *Bouriboune v. Berge*, 391 F.3d 852, 855 (7th Cir. 2004). The Court also found that Plaintiff's fact allegations in the instant action do not indicate that he is under "imminent danger of serious physical injury." Consequently, Plaintiff may not proceed *in forma pauperis*, and his motion seeking such leave (Doc. 9) is **DENIED**. Plaintiff shall tender the appellate filing and docketing fee of \$455 to the Clerk of Court

in this district, or he may reapply to the Seventh Circuit Court of Appeals for leave to proceed *in forma pauperis* on appeal.

As for consolidation of appeals, that question is within the discretion of the Seventh Circuit Court of Appeals, not this Court. Accordingly, the motion seeking consolidation (Doc. 10) is **MOOT.**

IT IS SO ORDERED.

DATED this 3rd day of September, 2008.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge